

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-02911-JGK**

Garcia Gonzalez v. US Citizenship & Immigration Services et al Date Filed: 04/02/2019
Assigned to: Judge John G. Koeltl Jury Demand: None
Cause: 05:552 Freedom of Information Act Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**Delfino Garcia Gonzalez**

represented by **Zoe Pokempner Levine**
Bronx Defenders
360 East 161st
Bronx, NY 10451
718-838-7808
Fax: 718-665-0100
Email: zoel@bronxdefenders.org
ATTORNEY TO BE NOTICED

V.

Defendant

US Citizenship & Immigration Services
TERMINATED: 09/26/2019

represented by **Joshua Evan Kahane**
U.S. Attorney Office SDNY
86 Chambers Street
New York, NY 10007
212-637-2699
Email: joshua.kahane@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**US Department of Homeland Security**

represented by **Joshua Evan Kahane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. Immigration & Customs
Enforcement**

represented by **Joshua Evan Kahane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 04/02/2019 | <u>1</u> | COMPLAINT against US Citizenship & Immigration Services, US Department of Homeland Security. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16606892) Document filed by DELFINO GARCIA GONZALEZ. (Attachments: # <u>1</u> Exhibit A – FOIA Request, # <u>2</u> Exhibit B – FOIA Receipt Confirmation)(Levine, Zoe) (Entered: 04/02/2019) |
| 04/02/2019 | <u>2</u> | CIVIL COVER SHEET filed. (Levine, Zoe) (Entered: 04/02/2019) |
| 04/03/2019 | | ***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Zoe Pokempner Levine. The following case opening statistical information was erroneously selected/entered: County code New York;. The following correction(s) have been made to your case entry: the County code has been modified to Orange;. (jgo) |

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| | | (Entered: 04/03/2019) |
| 04/03/2019 | | ***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Zoe Pokempner Levine. The party information for the following party/parties has been modified: Delfino Garcia Gonzalez. The information for the party/parties has been modified for the following reason/reasons: party name was entered in all caps;. (jgo) (Entered: 04/03/2019) |
| 04/03/2019 | | CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge John G. Koeltl. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (jgo) (Entered: 04/03/2019) |
| 04/03/2019 | | Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (jgo) (Entered: 04/03/2019) |
| 04/03/2019 | | Case Designated ECF. (jgo) (Entered: 04/03/2019) |
| 05/03/2019 | <u>3</u> | NOTICE OF APPEARANCE by Joshua Evan Kahane on behalf of US Citizenship & Immigration Services, US Department of Homeland Security. (Kahane, Joshua) (Entered: 05/03/2019) |
| 05/03/2019 | <u>4</u> | LETTER MOTION for Extension of Time addressed to Judge John G. Koeltl from Joshua Kahane dated 5/3/19. Document filed by US Citizenship & Immigration Services, US Department of Homeland Security.(Kahane, Joshua) (Entered: 05/03/2019) |
| 05/07/2019 | <u>5</u> | ORDER granting <u>4</u> Letter Motion for Extension of Time. APPLICATION GRANTED. SO ORDERED. (Signed by Judge John G. Koeltl on 5/6/2019) (ks) (Entered: 05/07/2019) |
| 05/15/2019 | | Minute Entry for proceedings held before Judge John G. Koeltl: Initial Conference set for 7/8/2019 at 04:30 PM in Courtroom 14A, 500 Pearl Street, New York, NY 10007 before Judge John G. Koeltl. (Fletcher, Donnie) (Entered: 05/15/2019) |
| 05/24/2019 | <u>6</u> | ANSWER to <u>1</u> Complaint,. Document filed by US Citizenship & Immigration Services, US Department of Homeland Security.(Kahane, Joshua) (Entered: 05/24/2019) |
| 06/14/2019 | <u>7</u> | FIRST AMENDED COMPLAINT amending <u>1</u> Complaint, against US Citizenship & Immigration Services, US Department of Homeland Security, Immigration and Customs Enforcement.Document filed by Delfino Garcia Gonzalez. Related document: <u>1</u> Complaint. (Attachments: # <u>1</u> Supplement Certification of Consent, # <u>2</u> Exhibit A – USCIS FOIA request, # <u>3</u> Exhibit B – USCIS confirmation letter, # <u>4</u> Exhibit C – USCIS FOIA response letter, # <u>5</u> Exhibit D – ICE FOIA request, # <u>6</u> Exhibit E – ICE FOIA response letter, # <u>7</u> Exhibit F – ICE FOIA appeal acknowledgment letter, # <u>8</u> Exhibit G – ICE FOIA appeal supplemental email, # <u>9</u> Exhibit H – ICE FOIA appeal response letter, # <u>10</u> Exhibit I – email communications between counsel and ICE)(Levine, Zoe) (Entered: 06/14/2019) |
| 06/18/2019 | | ***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Zoe Pokempner Levine. The party information for the following party/parties has been modified: U.S. Immigration & Customs Enforcement. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error. (sj) (Entered: 06/18/2019) |
| 06/20/2019 | <u>8</u> | FILING ERROR SUMMONS NOT LINKED TO CORRESPONDING PLEADING– REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Homeland Security, re: <u>1</u> Complaint, <u>7</u> Amended Complaint,,, Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) Modified on 6/21/2019 (dnh). (Entered: 06/20/2019) |

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| 06/20/2019 | <u>9</u> | FILING ERROR SUMMONS NOT LINKED TO CORRESPONDING PLEADING – REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Immigration & Customs Enforcement, re: <u>1</u> Complaint, <u>7</u> Amended Complaint,,, Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) Modified on 6/21/2019 (dnh). (Entered: 06/20/2019) |
| 06/20/2019 | <u>10</u> | FILING ERROR SUMMONS NOT LINKED TO CORRESPONDING PLEADING – REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Citizenship & Immigration Services, re: <u>1</u> Complaint, <u>7</u> Amended Complaint,,, Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) Modified on 6/21/2019 (dnh). (Entered: 06/20/2019) |
| 06/20/2019 | <u>11</u> | FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS as to United States, re: <u>1</u> Complaint, <u>7</u> Amended Complaint,,, Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) Modified on 6/21/2019 (dnh). (Entered: 06/20/2019) |
| 06/21/2019 | | ***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Zoe Pokempner Levine to RE–FILE Document No. <u>9</u> Request for Issuance of Summons, <u>8</u> Request for Issuance of Summons, <u>10</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): Summons may only be linked to one pleading. <u>11</u> Request for Issuance of Summons. 'As to' Error; summons may only be issued to parties of record, United States is not a party to the case. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (dnh) Modified on 6/21/2019 (dnh). (Entered: 06/21/2019) |
| 06/23/2019 | <u>12</u> | REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Homeland Security, re: <u>7</u> Amended Complaint,,, Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) (Entered: 06/23/2019) |
| 06/23/2019 | <u>13</u> | REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Immigration & Customs Enforcement, re: <u>7</u> Amended Complaint,,, Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) (Entered: 06/23/2019) |
| 06/23/2019 | <u>14</u> | REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Citizenship & Immigration Services, re: <u>7</u> Amended Complaint,,, Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) (Entered: 06/23/2019) |
| 06/24/2019 | <u>15</u> | ELECTRONIC SUMMONS ISSUED as to US Citizenship & Immigration Services. (sj) (Entered: 06/24/2019) |
| 06/24/2019 | <u>16</u> | ELECTRONIC SUMMONS ISSUED as to U.S. Immigration & Customs Enforcement. (sj) (Entered: 06/24/2019) |
| 06/24/2019 | <u>17</u> | ELECTRONIC SUMMONS ISSUED as to US Department of Homeland Security. (sj) (Entered: 06/24/2019) |
| 06/28/2019 | <u>18</u> | ANSWER to <u>7</u> Amended Complaint,,, Document filed by U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security. (Attachments: # <u>1</u> Exhibit 1)(Kahane, Joshua) (Entered: 06/28/2019) |
| 07/02/2019 | <u>19</u> | AFFIDAVIT OF SERVICE. US Department of Homeland Security served on 6/25/2019, answer due 7/16/2019. Service was accepted by Felipe Moncarz. Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) (Entered: 07/02/2019) |
| 07/02/2019 | <u>20</u> | AFFIDAVIT OF SERVICE. US Citizenship & Immigration Services served on 6/25/2019, answer due 7/16/2019. Service was accepted by Felipe Moncarz. Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) (Entered: 07/02/2019) |
| 07/02/2019 | <u>21</u> | AFFIDAVIT OF SERVICE. U.S. Immigration & Customs Enforcement served on 6/26/2019, answer due 7/17/2019. Service was accepted by Bryan Hudson. Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) (Entered: 07/02/2019) |
| 07/02/2019 | <u>22</u> | AFFIDAVIT OF SERVICE (FOIA CASE). Service was accepted by C Gordon. Document filed by Delfino Garcia Gonzalez. (Levine, Zoe) (Entered: 07/02/2019) |

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| 07/03/2019 | <u>23</u> | JOINT LETTER MOTION to Adjourn Conference addressed to Judge John G. Koeltl from Joshua Kahane dated 7/3/19. Document filed by U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security.(Kahane, Joshua) (Entered: 07/03/2019) |
| 07/03/2019 | <u>24</u> | STATUS REPORT. Document filed by U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security.(Kahane, Joshua) (Entered: 07/03/2019) |
| 07/08/2019 | <u>25</u> | ORDER granting <u>23</u> JOINT LETTER MOTION to Adjourn Conference addressed to Judge John G. Koeltl from Joshua Kahane dated 7/3/19. Document filed by U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security. Adjourned to Monday, July 22, 2019, at 4:30pm. So ordered. (Initial Conference set for 7/22/2019 at 04:30 PM before Judge John G. Koeltl). (Signed by Judge John G. Koeltl on 7/3/2019) (rjm) (Entered: 07/08/2019) |
| 07/19/2019 | <u>26</u> | STATUS REPORT. Document filed by U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security.(Kahane, Joshua) (Entered: 07/19/2019) |
| 07/22/2019 | | Minute Entry for proceedings held before Judge John G. Koeltl: Status Conference held on 7/22/2019. (Fletcher, Donnie) (Entered: 07/30/2019) |
| 07/23/2019 | <u>27</u> | ORDER: As explained at the hearing today, the plaintiff shall file a second amended complaint by August 1, 2019. The defendant should respond to the second amended complaint by answer or motion within ten days after the plaintiff files the second amended complaint. The parties are directed to update the Court on the status of the case by August 12, 2019. SO ORDERED. (Signed by Judge John G. Koeltl on 7/22/2019) (Amended Pleadings due by 8/1/2019.) (ks) (Entered: 07/23/2019) |
| 07/31/2019 | <u>28</u> | FILING ERROR – DEFICIENT PLEADING – PDF ERROR – SECOND AMENDED COMPLAINT amending <u>7</u> Amended Complaint,,, against U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security.Document filed by Delfino Garcia Gonzalez. Related document: <u>7</u> Amended Complaint,,,. (Attachments: # <u>1</u> Exhibit A – USCIS FOIA Request, # <u>2</u> Exhibit B – USCOS FOIA Receipt Confirmation, # <u>3</u> Exhibit C – USCIS FOIA Response Letter, # <u>4</u> Exhibit D – USCIS FOIA Request, # <u>5</u> Exhibit E – ICE FOIA Response Letter, # <u>6</u> Exhibit F – ICE FOIA Appeal Acknowledgment Letter, # <u>7</u> Exhibit G – ICE FOIA Appeal Supplement Email, # <u>8</u> Exhibit H – ICE FOIA Appeal Response Letter, # <u>9</u> Exhibit I – Email Communications with ICE, # <u>10</u> Exhibit J – ICE First Interim Response Letter, # <u>11</u> Exhibit K – ICE Final Response Letter)(Levine, Zoe) Modified on 8/1/2019 (pc). (Entered: 07/31/2019) |
| 08/01/2019 | | ***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Zoe Pokempner Levine to RE-FILE Document No. <u>28</u> Amended Complaint,,,. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the pleading is not correct; Caption title reads "First Amended Complaint". Re-file the pleading using the event type Second Amended Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (pc) (Entered: 08/01/2019) |
| 08/01/2019 | <u>29</u> | LETTER MOTION for Conference re: <u>27</u> Order,, Set Deadlines, <u>28</u> Amended Complaint,,, re: <i>partial motion to dismiss USCIS</i> addressed to Judge John G. Koeltl from Joshua Kahane dated 8/1/19. Document filed by U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security.(Kahane, Joshua) (Entered: 08/01/2019) |
| 08/01/2019 | <u>30</u> | SECOND AMENDED COMPLAINT amending <u>7</u> Amended Complaint,,, against U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security.Document filed by Delfino Garcia Gonzalez. Related document: <u>7</u> Amended Complaint,,,. (Attachments: # <u>1</u> Exhibit A – USCIS FOIA Request, # <u>2</u> Exhibit B – USCIS Receipt Confirmation, # <u>3</u> Exhibit C – USCIS Response Letter, # <u>4</u> Exhibit D– ICE FOIA Request, # <u>5</u> Exhibit E – ICE FOIA Response Letter, # <u>6</u> Exhibit F – ICE FOIA Appeal Acknowledgment Letter, # <u>7</u> Exhibit G – ICE FOIA Appeal Supplemental Letter, # <u>8</u> Exhibit H – ICE FOIA |

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| | | Appeal Response Letter, # <u>2</u> Exhibit I – Email Communications with ICE, # <u>10</u> Exhibit J – ICE First Interim Response Letter, # <u>11</u> Exhibit K – ICE Final Response Letter)(Levine, Zoe) (Entered: 08/01/2019) |
| 08/05/2019 | <u>31</u> | ORDER granting <u>29</u> Letter Motion for Conference. 1. Pre–Motion conference scheduled for 9/19/19 at 4:30 P.M. 2. Deadline stayed pending rescheduling at the conference. SO ORDERED. (Signed by Judge John G. Koeltl on 8/5/2019) Pre–Motion Conference set for 9/19/2019 at 04:30 PM before Judge John G. Koeltl. (ks) (Entered: 08/05/2019) |
| 09/17/2019 | <u>32</u> | JOINT LETTER MOTION to Adjourn Conference addressed to Judge John G. Koeltl from Joshua Kahane dated 9/17/19. Document filed by U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security.(Kahane, Joshua) (Entered: 09/17/2019) |
| 09/18/2019 | <u>33</u> | ORDER granting in part and denying in part <u>32</u> Letter Motion to Adjourn Conference. Conference adjourned to Wednesday, October 2, 2019, at 4:30 PM. SO ORDERED. (Signed by Judge John G. Koeltl on 9/17/2019) Pre–Motion Conference set for 10/2/2019 at 04:30 PM before Judge John G. Koeltl. (ks) (Entered: 09/18/2019) |
| 09/26/2019 | <u>34</u> | PROPOSED STIPULATION AND ORDER. Document filed by U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security. (Kahane, Joshua) (Entered: 09/26/2019) |
| 09/26/2019 | <u>35</u> | JOINT LETTER addressed to Judge John G. Koeltl from Joshua Kahane dated 9/26/19 re: proposed briefing schedule. Document filed by U.S. Immigration & Customs Enforcement, US Citizenship & Immigration Services, US Department of Homeland Security.(Kahane, Joshua) (Entered: 09/26/2019) |
| 09/26/2019 | <u>36</u> | MEMO ENDORSEMENT: on re: <u>35</u> Letter filed by US Citizenship & Immigration Services, U.S. Immigration & Customs Enforcement, US Department of Homeland Security. ENDORSEMENT: Application Granted. SO ORDERED., U.S. Immigration & Customs Enforcement answer due 10/4/2019; US Citizenship & Immigration Services answer due 10/4/2019; US Department of Homeland Security answer due 10/4/2019.(Cross Motions due by 1/3/2020., Motions due by 11/26/2019., Responses due by 1/24/2020, Replies due by 2/14/2020.) (Signed by Judge John G. Koeltl on 9/26/2019) (ama) (Entered: 09/26/2019) |
| 09/26/2019 | <u>37</u> | STIPULATION AND ORDER OF PARTIAL VOLUNTARY DISMISSAL: IT IS HEREBY STIPULATED AND AGREED, by and between the parties, that USCIS is voluntarily dismissed as a defendant in this action, with prejudice, with the parties to bear their own costs and fees. SO ORDERED., US Citizenship & Immigration Services terminated. (Signed by Judge John G. Koeltl on 9/26/2019) (ama) (Entered: 09/26/2019) |